
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #13-134(E)

DIGEST

Amends [71 IAC 1.5-1-19](#) regarding the definition of breeder. Amends [71 IAC 13-1-3](#) regarding horsemen's association registration. Amends [71 IAC 14.5-1-1](#) regarding Indiana bred quarter horses. Amends [71 IAC 14.5-3-1](#) through [71 IAC 14.5-3-4](#) regarding awards. Repeals [71 IAC 14.5-3-5](#). Effective April 4, 2013.

[71 IAC 1.5-1-19](#); [71 IAC 13-1-3](#); [71 IAC 14.5-1-1](#); [71 IAC 14.5-3-1](#); [71 IAC 14.5-3-2](#); [71 IAC 14.5-3-3](#); [71 IAC 14.5-3-4](#); [71 IAC 14.5-3-5](#)

SECTION 1. [71 IAC 1.5-1-19](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 1.5-1-19](#) "Breeder" defined

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 19. "Breeder" means the owner of the horse's dam at the time of foaling for thoroughbreds. In the case of thoroughbreds, the commission will recognize the breeder as the person designated as such on the Jockey Club's Certificate for a particular horse. For **Indiana registered** quarter horses, ~~appaloosas, arabians, and paint horses,~~ "breeder" means the owner of the **horse's** dam at the time of ~~service.~~ **the dam's registration.**

(Indiana Horse Racing Commission; [71 IAC 1.5-1-19](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 2. [71 IAC 13-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13-1-3](#) Information to be submitted with a registration

Authority: [IC 4-31-3-9](#); [IC 4-35-7-12](#)

Affected: [IC 4-31](#); [IC 4-35](#)

Sec. 3. In addition to the information described in section 2(b) of this rule, the registration of a horsemen's association to receive monies allocated pursuant to [IC 4-35-7-12](#) shall include, but not be limited to, the following information:

(1) A proposed budget for the calendar year (or, in the case of a registration under section 1(c) of this rule, the calendar years) to which the registration applies that separately identifies general categories for the expenditure of funds anticipated to be paid by the permit holders to the horsemen's association for:

(A) equine promotion or welfare pursuant to [IC 4-35-7-12\(b\)\(1\)](#);

(B) backside benevolence pursuant to [IC 4-35-7-12\(b\)\(2\)](#); and

(C) the purposes provided for in [IC 4-35-7-12\(f\)](#) in the amount provided for by [IC 4-35-7-12\(d\)\(1\)\(A\)\(ii\)](#) and [IC 4-35-7-12\(d\)\(1\)\(A\)\(iii\)](#), [IC 4-35-7-12\(d\)\(2\)\(C\)\(ii\)](#), or [IC 4-35-7-12\(d\)\(3\)\(A\)\(ii\)](#).

(2) A specific description of the accounting, auditing, internal control, and reporting procedures that will be maintained by the horsemen's association with respect to the three (3) separate accounts required by section 8(a)(7) of this rule during the calendar year for which payments will be made, as well as the name and contact information of the individuals responsible for each function.

(3) A certification by the board of directors of the horsemen's association that the expenditures from funds paid by the permit holders for (1)(A) and (1)(B), above [subdivision (1)(A) and (1)(B)], are in the best interests of horse racing in Indiana for the breed represented by the horsemen's association.

~~(3)~~ **(4)** A conflict of interest policy approved by the commission that has been executed by all of the officers, directors, and employees of the horsemen's association.

~~(4)~~ **(5)** Certification by an officer of the horsemen's association that no monies distributed pursuant to [IC 4-35-7-12](#) have been used in either the current year or will be used from the budget year for either:

- (A) a contribution to a candidate or committee; or
- (B) lobbying, as defined in [IC 2-7-1-9](#).
- ~~(5)~~ **(6)** Any other information requested by the commission or its executive director.

(Indiana Horse Racing Commission; [71 IAC 13-1-3](#); emergency rule filed Jul 11, 2008, 2:13 p.m.: [20080723-IR-071080595ERA](#); emergency rule filed Sep 10, 2012, 2:01 p.m.: [20120912-IR-071120525ERA](#); emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 3. [71 IAC 14.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-1-1](#) Indiana bred quarter horse

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) Indiana bred quarter horse means any properly registered quarter horse foaled in Indiana and whose dam was registered with the commission.

(b) The mare must:

(1) Have entered Indiana by November 1, 2008, and by July 1, 2009, and each year thereafter in the year prior to foaling.

(2) Remain in Indiana continuously until foaling.

The resulting foal will then be eligible to be registered as an Indiana bred.

(c) In the event a mare entered Indiana and was registered with the commission after November 1, 2008, and by July 1, 2009, and each year thereafter in the year prior to foaling, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred.

(d) The mare must be bred back to a registered Indiana stallion in the year of foaling for the foal to qualify as an Indiana bred.

(e) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed Indiana veterinarian.

(f) If the mare does not conceive, it must:

(1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred;

(2) remain in Indiana for a period of thirty (30) days from the foaling date; and

(3) the mare and foal must be inspected by a commission representative prior to leaving the state.

(g) An Indiana bred quarter horse foaled prior to the year 2002 will require that the breeder must be a resident of Indiana as noted on the American Quarter Horse Association registration certificate. These horses must be registered with the commission by September 1, 2002, or will not be eligible for the Indiana bred program.

(h) The horse must be registered with the commission prior to being entered in an Indiana bred conditioned race.

(i) The breeder of a registered Indiana bred shall be the owner of the dam at the time of the dam's registration with the breed development program.

(Indiana Horse Racing Commission; [71 IAC 14.5-1-1](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:23 p.m.: 25 IR 1190; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 4. [71 IAC 14.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-3-1](#) Owner awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) An owner award is the award paid to the owner of a registered Indiana bred quarter horse which places first, second, or third in any race except **trials and** claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack in Indiana.

(b) In the event of multiple owners, the award will be paid to the individual listed first on the Equibase result chart. It is the responsibility of the individual who receives the owner award to distribute these monies to the remaining owners.

(c) The amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner, **not to exceed five thousand dollars (\$5,000)**;
- (2) thirty percent (30%) is awarded to second place, **not to exceed three thousand dollars (\$3,000)**; and
- (3) twenty percent (20%) is awarded to third place, **not to exceed two thousand dollars (\$2,000)**.

(d) Awards will be paid by the commission.

~~(e) The registered owner, breeder, and stallion owner may receive an award not to exceed ten thousand dollars (\$10,000) for a potential total payout of thirty thousand dollars (\$30,000) for winning a single race at an Indiana pari-mutuel racetrack.~~

(Indiana Horse Racing Commission [71 IAC 14.5-3-1](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 5. [71 IAC 14.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-3-2](#) Breeder awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) A breeder award is the award paid to the breeder of a registered Indiana bred quarter horse which places first, second, or third in any race except **trials and** claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack located in Indiana.

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the foal application. It is the responsibility of the designated recipient to distribute these monies to the remaining breeders.

(c) The amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner, **not to exceed five thousand dollars (\$5,000)**;
- (2) thirty percent (30%) is awarded to second place, **not to exceed three thousand dollars (\$3,000)**; and
- (3) twenty percent (20%) is awarded to third place, **not to exceed two thousand dollars (\$2,000)**.

(d) Awards will be paid by the commission.

~~(e) The registered owner, breeder, and stallion owner may receive an award not to exceed ten thousand dollars (\$10,000) for a potential total payout of thirty thousand dollars (\$30,000) for winning a single race at an Indiana pari-mutuel racetrack.~~

(e) For breeder awards eared [sic] January 1, 2013, and thereafter, the recipient is the owner of the dam at the time of the dam's registration with the breed development program.

(Indiana Horse Racing Commission; [71 IAC 14.5-3-2](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; errata filed Feb 9, 2001, 3:38 p.m.: 24 IR 2091; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: [20080305-IR-071080056ACA](#); emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 6. [71 IAC 14.5-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-3-3](#) Stallion owner awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 3. (a) A stallion owner award is the award paid to the owner or lessee of a registered Indiana stallion whose registered progeny places first, second, or third in any race except **trials and** claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack located in Indiana.

(b) In the event of multiple stallion owners, the award will be paid to the individual designated as the recipient on the stallion application. It is the responsibility of the designated recipient to distribute these monies to the remaining stallion owners.

- (c) The amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:
- (1) fifty percent (50%) is awarded to the winner, **not to exceed five thousand dollars (\$5,000);**
 - (2) thirty percent (30%) is awarded to second place, **not to exceed three thousand dollars (\$3,000);** and
 - (3) twenty percent (20%) is awarded to third place, **not to exceed two thousand dollars (\$2,000).**

(d) Awards will be paid by the commission.

~~(e) The registered owner, breeder, and stallion owner may receive an award not to exceed ten thousand dollars (\$10,000) for a potential total payout of thirty thousand dollars (\$30,000) for winning a single race at an Indiana pari-mutuel racetrack.~~

~~(f)~~ **(e)** The award will be paid to the owner or lessee of the registered stallion at time of conception.

~~(g)~~ **(f)** No stallion standing outside Indiana and shipping semen into the state will be eligible to participate in any stallion breed development awards.

(Indiana Horse Racing Commission; [71 IAC 14.5-3-3](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 7. [71 IAC 14.5-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-3-4](#) Purse supplement in open races

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 4. A purse supplement of fifteen thousand dollars (\$15,000) is to be paid to the owner of an Indiana bred that ~~competes~~ **finishes first, second, or third when competing** in any open overnight race, excluding trials and claiming races. The supplement shall be distributed in the same manner and percentages in which purses are paid.

(Indiana Horse Racing Commission; [71 IAC 14.5-3-4](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Apr 4, 2013, 1:05 p.m.: [20130410-IR-071130134ERA](#))

SECTION 8. [71 IAC 14.5-3-5](#) IS REPEALED.

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